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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/135,154 08/17/98 HAMILTON

T CLB5-B73

028403 TM02/0823
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EXAMINER

ZIMMERMAN, B

ART UNIT	PAPER NUMBER
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2635

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DATE MAILED:

08/23/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/135,154

Applicant(s)

HAMILTON, T. ALLAN

Examiner

Brian A Zimmerman

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2001.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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Status of Application.

In response to the applicant's amendment received on 7/5/01. The examiner has considered the new presentation of claims and applicant arguments in view of the disclosure and the present state of the prior art. And it is the examiner's position that claims 21-40 are unpatentable for the reasons set forth in this office action:

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 102 and 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

1. Claims 21-40 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Kohler (U.S. 5,115,236).

Regarding claims 21,29-35,38-40 Kohler teaches a device (Fig. 2) for reducing power consumption in infrared-enabled appliances having power supply means and transceiver system means forming a circuit including switch means (Col. 1, lines 7-28 and Col. 2, lines 30-54), comprising: a discovery or (wake-up) signal receiver (RC receiver in Fig. 2) and power actuator module (control voltage output 41 in Fig. 2), said module configured to recognize incident Ir discovery signals and responsively activate said switch means (Col. 3, lines 53-68 through Col. 5, lines 1-22). It is noted the claims

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require interpretation to determine if a wake up signal is being received. Kohler accomplishes this, in that the level of the received signal is used to determine if the received signal includes a wake up signal. Therefore the received signal is interpreted in order to determine if a wake up signal has been received.

Alternatively, Kohler states that it is not necessarily the amplitude, which can be used to distinguish the wake up signal. The examiner takes official notice that it is well within the skill level of one of ordinary skill in the art to compare the digital content of a received signal for distinguishing received signals and to use digital content as a distinguishing characteristic would have therefore been obvious.

Regarding claims 22 and 36 Kohler teaches an infrared receiver (Fig. 2) and discovery signal detection circuitry configured to recognize the power level of the infrared "discovery signals" incident to said receiver and emit a power-up signal to said switch means (Fig. 2; Col. 4, lines 28-56).

Regarding claims 23 and 37, Kohler teaches a discovery signal receiver and power actuator module which consumes several micro-amperes (Col. 4, lines 33-35).

Regarding claim 24, Kohler teaches that the power-up (message) signal can be instigated by user input (keyboard 8 in Fig. 3) via the transmitter portion of the transceiver system (Col. 5, lines 30-48).

Regarding claims 25, 26 and 27, Kohler teaches that the switch means defines an open condition in which electrical power to the transceiver system is interrupted, and a closed condition in which electrical power is supplied to the transceiver system, said

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closed condition being activated upon receipt of the power-up signal (Fig. 2 and Col. 2, lines 44-54).

Regarding claim 28, the discovery signal in the transceiver system of Kohler would necessarily have to be a 9600 baud infrared signal as evidenced by the Infrared Data Association's (IrDA) Serial Link Infrared Access Protocol (IrLAP) specification which teaches that discovery requests are at a data rate of 9600 (See chart on page 94). Thus, the 9600-baud rate for the discovery signal would be inherent in the operation of the Kohler system as discussed by the applicant as prior art on page 3 of the current specification.

1. Claims 21-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kohler and the EP publication Selin (EP 0772307).

This rejection is based upon an alternative interpretation of the claims. As discussed above, Kohler shows a IrDA system which includes low power modes to save power. In an analogous art, Selin shows a communication device which uses a sleep mode to reduce power consumption in the devices. Selin uses a specially coded signal or sequence to wake up a receiving communication unit. See col. 4 lines 45-55 and col. 9 lines 32+. The receiver must decode or otherwise interpret this sequency to be the desired sequence before waking up. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have used a coded wake up sequence as suggested by Selin in the Kohler system because such would provide a simple and reliable data transfer, see col. 10 line 26+ (Selin).

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Response to Arguments

Applicant's arguments filed 7/5/01 have been fully considered but they are not persuasive.

The applicant argues that Kohler does not include a digital wake up signal. It is noted the claims require interpretation to determine if a wake up signal is being received. Kohler accomplishes this, in that the level of the received signal is used to determine if the received signal includes a wake up signal. Therefore the received signal is interpreted in order to determine if a wake up signal has been received.

Furthermore, Kohler states that it is not necessarily the amplitude, which can be used to distinguish the wake up signal. The examiner takes official notice that it is well within the skill level of one of ordinary skill in the art to compare the digital content of a received signal for distinguishing received signals.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within


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TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian A Zimmerman whose telephone number is 703-305-4796. The examiner can normally be reached on Off every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9314 for regular communications and 703-872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.



Brian A Zimmerman
Primary Examiner
Art Unit 2635

BaZ
August 22, 2001